



**CHOATE, HALL & STEWART**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109-2891

TELEPHONE (617) 248-5000

FACSIMILE (617) 248-4000



Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Express Mail No.: EL979824394US**  
**Attorney Docket No.: 2004367-0031**  
**Date Filed: December 12, 2003**

**UTILITY PATENT APPLICATION TRANSMITTAL**

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

**Inventor(s):**

<u>Given Name (first and middle)</u>	<u>Family Name or Surname</u>	<u>Residence (City and State or Foreign Country)</u>
John	Winterbottom	Jackson, NJ
David	Kaes	Toms River, NJ

**Title of the Invention: Formable and Settable Polymer Bone Composite and Method of Production Thereof**

**A) APPLICATION ELEMENTS:**

- 1) ☒ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☐ **Applicant Claims Small Entity Status** (see 37 C.F.R. § 1.27)
  - a) ☐ **Statement Verifying Small Entity Status** (optional)

3) ☒ **Specification**

TOTAL PAGES: 45

- ☒ Descriptive Title of the Invention
- ☒ Cross References to Related Applications (if applicable)
- ☐ Statement Regarding Federally Sponsored R & D (if applicable)
- ☐ Reference to sequence listing, a table, or a computer program listing appendix
- ☒ Background of the Invention
- ☒ Summary of the Invention
- ☐ Description of the Drawing (if filed)
- ☒ Detailed Description of the Invention
- ☒ Claim(s)
- ☒ Abstract of the Invention

4) ☐ **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: \_\_\_\_\_

- a) ☐ Formal Drawings (if checked)

5) ☒ **Oath or Declaration**

TOTAL PAGES: 3

- a) ☐ Newly Executed (original or copy)
- b) ☐ Copy from a prior application (37 C.F.R. § 1.63(d))-for continuation/divisional application
  - i) ☐ Deletion of inventor(s): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
- c) ☒ Unexecuted

6) ☐ **Application Data Sheet**. See 37 C.F.R. § 1.76.

7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**

8) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

- a) ☐ Computer Readable Form (CRF)
- b) ☐ Specification Sequence Listing on:
  - i) ☐ CD-ROM or CD-R (2 copies); or
  - ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☐ **Assignment Papers** (cover sheet & document(s))
- 10) ☐ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) ☐ **Power of Attorney**
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**
- 14) ☐ **Copies of IDS Citations**
- 15) ☐ **Preliminary Amendment**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☐ **Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(i)**
- 19) ☐ **OTHER:** (if applicable, specified below)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☐ continuation                      ☐ divisional                      ☐ continuation-in-part (CIP)

of prior application no.: \_\_\_\_\_

filed: \_\_\_\_\_

examiner: \_\_\_\_\_

group/art unit: \_\_\_\_\_

**for continuation or divisional applications only:** The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D.) PRIORITY CLAIM(S):

This application claims the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

<u>Application Serial No.</u>	<u>Filing date</u>	<u>Status (patented, pending, abandoned)</u>
-------------------------------	--------------------	--

This application claims the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing date</u>	<u>Status (pending, expired, abandoned)</u>
-------------------------------	--------------------	---

60/432,968	December 12, 2002	Pending
------------	-------------------	---------

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

- ☐ Applicant claims small entity status 37 C.F.R. § 1.27.
- ☐ A check for            is enclosed to cover the filing fees.
- ☐ The commissioner is hereby authorized to charge filing fees or to credit any overpayment to deposit account number 03-1721.

Basic Filing Fee (Large Entity)	\$770.00
Additional Fees:	
Total Number of Claims in excess of 20: (121- 20) x \$18	\$1818.00
Number of Independent Claims in excess of 3:(4- 3) x \$86	\$86.00
Multiple Dependent Claims \$290:	<u>\$0.00</u>
Total Filing Fee:	\$2674.00

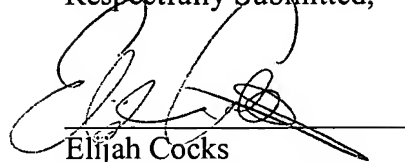
F) CORRESPONDENCE ADDRESS:

☒ Customer Number: 24280

☒ Correspondence Address:

Patent Department  
Choate, Hall & Stewart  
53 State Street  
Exchange Place  
Boston, MA 02109  
phone: (617) 248-5000  
fax: (617) 248-4000

Respectfully Submitted,



Elijah Cocks  
Registration No. 47,499

CHOATE, HALL & STEWART  
53 State Street  
Exchange Place  
Boston, MA 02109  
Phone: (617) 248-5000  
Fax: (617) 248-4000

**FEE TRANSMITTAL LETTER** Attorney Docket Number: 2004367-0031

To the Commissioner for Patents:

Transmitted herewith for filing under 35 U.S.C. 111 and 37 CFR 1.53 is the patent application of

Winterbottom, et al.

entitled **FORMABLE AND SETTABLE POLYMER BONE COMPOSITE AND METHOD OF PRODUCTION THEREOF**

**CLAIMS AS FILED**

		NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE (37 CFR 1.16(a))				\$ 770	\$ 770.00
TOTAL CLAIMS (37 CFR 1.16(c))		121-20=	* 101	x \$ 18	\$1,818.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))		4-3=	* 1	x \$ 86	\$ 86.00
MULTIPLE DEPENDENT CLAIM PRESENT		(37 CFR 1.16(d))			
* NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL		\$ 2,674.00
	If applicant has small entity status under 37 CFR 1.9 and 1.27 then divide total fee by 2, and enter amount here.			SMALL ENTITY	\$2,674.00

- ☐ A check in the amount of \$.00 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. I have enclosed a duplicate copy of this sheet.
- ☐ Charge the amount of \$\_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

Certificate of Express Mail

I, do hereby certify that the foregoing documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450, on December 12, 2003.

Susan M. Dinsmore  
 Susan M. Dinsmore  
 Express Mail Label: EL979824394US

Elijah Cocks  
 Elijah Cocks, Reg. No. 47,499  
 Customer No.: 24280  
December 12, 2003  
 Date